

Board of Sumter County Commissioners

Division of Planning & Development

Code Compliance Department

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Website: <http://sumtercountyfl.gov/plandevlop>



SPECIAL MASTER HEARING January 29, 2009 @ 3:00 PM

Present: Special Master R. Lee Hawkins, Jr., County Attorney Shawn Brannagan - Hogan Law Firm, Alysia Akins - Code Secretary, Jim Shady - Inspector, Lee Hartman - Chief Inspector, and Edd Kaman - Inspector.

Special Master Hawkins called the hearing to order at 3:00 PM and followed with the Pledge of Allegiance.

Attorney Brannagan reviewed and accepted the Special Master Hearing minutes from 12/18/08 which were entered into the record.

Mr. Shady, Mr. Hartman, and Mr. Kaman were sworn in.

OLD BUSINESS:

The following cases have complied:

CE2007-0534/Roldan

CE2008-0179/Anjani, Inc.

The following case has complied with costs/fines due:

CE2008-0290/Morgan

The following case has **not** complied:

CE2008-0383/Cedar Acres, Inc.

1) Case #: CE2007-0412

Name: Frank and Chaila Wallbrown

Address: 5245 E. C-468, Wildwood

Violation: 21-1(A), 6-104(3), and 13-51(A)(2)(A)

Inspector: Lee Hartman

Recommendation: **CONTINUED FROM PREVIOUS HEARING-HEAR CASE**

The Respondents were not present. The Respondents were sent a Notice of Hearing via certified mail, and the property was posted, regarding the code case that began on 7/18/07. The property has homestead exemption. Mr. Hartman's last visit to the property was on 1/29/09, and the property was not in compliance. Mr. Hartman submitted photos of the violations taken on 1/29/09 into the record, which were reviewed by Special Master

Hawkins. Mr. Hartman testified there have been no attempts for compliance and the violations have multiplied.

Mr. Hartman recommended the Respondents bring the property into compliance and pay staff costs in the amount of \$471.70, along with a \$25 daily fine accruing from 12/18/08 and continuing until the property is brought into compliance.

Special Master Hawkins found the property in violation due to the garbage, litter, debris, unsafe housing, and lack of required building permits. The Respondents were ordered to bring the property into compliance by removing the garbage, litter, and debris and obtaining the required permits to repair the structure. Costs in the amount of \$471.70 were ordered to be paid along with a \$25 daily fine accruing from 12/18/08 and continuing until the property is brought into compliance.

NEW BUSINESS:

The following cases received Affidavits of Pre-Hearing Compliance:

CE2008-0207/Grant

CE2008-0355/Peacock

CE2008-0358/Watson

CE2008-0398/Paul

CE2008-0428/Hyde

CE2008-0465/Ross

CE2008-0485/Orozco

1) Case #: CE2008-0128

Name: Franklin & Gloria Shurtleff

Address: 5438 NE 136th Place, Oxford

Violation: 6-104(3), 13-364(B)(2)(E), and 21-1(A)

Inspector: Lee Hartman

Recommendation: **HEAR CASE**

The Respondent, Franklin Shurtleff, Sr., was present and sworn in. The Respondents were sent a Notice of Hearing via certified mail regarding the code case that began on 4/9/08. The property does not have homestead exemption. Mr. Hartman's last visit to the property was on 1/29/09, and the property was not in compliance. Mr. Hartman submitted photos of the violations taken on 1/29/09 into the record. Mr. Hartman testified 6-104(3) and 13-364(B)(2)(E) have both been addressed; however, trash and debris remain on the property.

Mr. Shurtleff testified his stepson resides on the property and has allowed the neighbors to store their vehicles on-site. Mr. Shurtleff testified the trash on the property will be hauled away in a trailer as soon as he can obtain a current tag. Mr. Shurtleff acknowledged an RV was parked on the property; however, it has been removed, along with the unsafe room addition and construction debris.

Mr. Hartman recommended the Respondents bring the property into compliance and pay staff costs of \$416.06. If not, a \$25 daily fine be ordered until the property is found in compliance and costs are paid.

Special Master Hawkins found the property in violation due to the trash and debris remaining on the property. The Respondents were ordered to bring the property into compliance by removing the trash and debris within 7 days upon receipt of the Order. Costs in the amount of \$416.06 were ordered to be paid within 7 days upon receipt of the Order. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

2) Case #: CE2008-0445

Name: Estate of Mary Lee Gunn c/o Jennifer Moore
Address: 4403 E. C-468, Wildwood
Violation: 6-104(2) and 13-364(B)(2)(E)
Inspector: Jim Shady
Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail and the property was posted. The property does not have homestead exemption; however, the Respondent resides there. Mr. Shady submitted photographs of the violations, dated 1/29/09, into the record. Mr. Shady's last visit to the property was on 1/29/09, and the property was not in compliance. Mr. Shady testified he had spoken with Ralph Moore, the Respondent's husband, via telephone regarding the violations.

Mr. Shady recommended the Respondent bring the property into compliance by removing the trash and debris and paying costs in the amount of \$326.06 within 2 weeks. If not, a \$15 daily fine be assessed until compliance is met and costs are paid.

Special Master Hawkins found the property in violation due to the trash and debris. Costs in the amount of \$326.06 were ordered to be paid and the property be brought into compliance within 2 weeks by removing the trash and debris. If not, a \$15 daily fine will be in effect until the property is found in compliance and costs are paid.

3) Case #: CE2008-0461

Name: Barry L. Crawford
Address: 2705 CR 426F, Lake Panasoffkee
Violation: 6-104(5)
Inspector: Jim Shady
Recommendation: **HEAR CASE**

The Respondent's cousin-in-law, Gerald Farris, was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 11/12/08. The property does not have homestead exemption. Mr. Shady's last visit to the property was on 1/29/09, and the property was not in compliance. Mr. Shady submitted photos of the violations taken on 1/29/09 into the record.

Mr. Farris testified his uncle-in-law had passed away and he has attempted to contact the son, who has a New York mailing address. Mr. Farris testified he would like to purchase the property and maintain it.

Mr. Shady recommended the Respondent bring the property into compliance by mowing and maintaining it and paying staff costs of \$326.06. If not, a \$25 daily fine be ordered until the property is found in compliance and costs are paid.

Special Master Hawkins found the property in violation due to the overgrowth on the property. The Respondent was ordered to bring the property into compliance by mowing and maintaining it within 2 weeks. Costs in the amount of \$326.06 were ordered to be paid within 2 weeks also. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

4) Case #: CE2008-0063

Name: Jennifer Jo Varnado

Address: 4674 SR 50, Webster

Violation: 6-104(2) and 6-104(4)

Inspector: Edd Kaman

Recommendation: **HEAR CASE**

The Respondent's boyfriend, Thomas Ray Crawford, was present and sworn in. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 3/18/08. The property has homestead exemption. Mr. Kaman's last visit to the property was on 1/28/09, and the property was not in compliance. Mr. Kaman submitted photos of the violations taken on 1/28/09 into the record.

Mr. Crawford testified several tons of household garbage had been removed and provided landfill receipts. Mr. Crawford testified the Bronco should be removed by the weekend. Mr. Crawford testified the blue truck is used during hunting season, which he tags during that time every year.

Mr. Kaman recommended the Respondent bring the property into compliance by removing one of the inoperable vehicles and paying staff costs of \$371.06. If not, a \$25 daily fine be ordered until the property is found in compliance.

Special Master Hawkins found the property in violation due to having an excess of one inoperable vehicle as allowed by county code. The Respondent was ordered to bring the property into compliance by removing or tagging one of the inoperable vehicles within 1 week. Costs in the amount of \$371.06 were ordered to be paid within 1 week also. If not, a \$25 daily fine will be assessed until the property is found in compliance and costs are paid.

5) Case #: CE2008-0078

Name: Miguel A. Perez

Address: 5298 CR 542F, Bushnell

Violation: 13-E.3.1.2 SHC 309.1

Inspector: Edd Kaman

Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 2/22/08. The property does not have homestead exemption. Mr. Kaman's last visit to the property was on 1/28/09, and the property was not in compliance. Mr. Kaman submitted photos of the violations taken on 4/1/08, 12/22/08, and 1/28/09 into the record. Mr. Kaman testified the commercial structure on the property is half constructed; however, has been secured since the initial posting of the property.

Mr. Kaman recommended the Respondent bring the property into compliance immediately by removing the unsafe structure or completing the construction with proper permits, and paying staff costs of \$416.06. If not, a \$25 daily fine be ordered until the property is found in compliance.

Special Master Hawkins found the property in violation due to the unsafe structure. The Respondent was ordered to bring the property into compliance by removing the structure or completing the construction with proper permits. Costs in the amount of \$416.06 were also ordered to be paid. If not, a \$25 daily fine will be assessed as of 1/29/09 until the property is found in compliance and costs are paid.

6) Case #: CE2008-0343

Name: Charles B. Cabbage

Address: 4517 CR 690, Webster

Violation: 13-763(e)(3) and 6-104(5)

Inspector: Edd Kaman

Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 8/12/08. The property has homestead exemption. Mr. Kaman's last visit to the property was on 1/29/09, and the property was not in compliance. Mr. Kaman submitted photos of the violations taken on 1/29/09 into the record. Mr. Kaman testified there was a safety concern regarding the open pool with 4' of water; however, this was not one of the violations noted during the case.

Mr. Kaman recommended the Respondent bring the property into compliance by removing the construction debris and mowing/maintaining the property and paying staff costs of \$371.06. If not, a \$100 daily fine be ordered until the property is found in compliance and costs are paid.

Special Master Hawkins reviewed the photos submitted and found the property in violation due to the overgrowth of the property and the construction debris. The Respondent was ordered to bring the property into compliance by removing the construction debris and mowing/maintaining the property. Costs in the amount of \$371.06 were ordered to be paid. If not, a \$100 daily fine will be assessed as of 1/29/09 until the property is found in compliance and costs are paid.

7) Case #: CE2008-0450
Name: Colleen C. Bussey
Address: 8308 CR 647, Bushnell
Violation: 6-104(5)
Inspector: Edd Kaman
Recommendation: **HEAR CASE**

The Respondent was not present. The Respondent was sent a Notice of Hearing via certified mail, and the property was posted regarding the code case that began on 11/5/08. The property does not have homestead exemption. Mr. Kaman's last visit to the property was on 1/28/09, and the property was not in compliance. Mr. Kaman submitted photos of the violations taken on 1/28/09 into the record. Mr. Kaman testified the frost had killed most of the overgrowth; however, there is grass growing from the gutters.

Mr. Kaman recommended the Respondent bring the property into compliance by removing the overgrowth on the property and paying staff costs of \$326.06. If not, a \$25 daily fine be ordered until the property is found in compliance and costs are paid.

Special Master Hawkins found the property in violation due to the overgrowth. The Respondent was ordered to bring the property into compliance by removing the overgrowth. Costs in the amount of \$326.06 were ordered to be paid. If not, a \$25 daily fine will be assessed as of 1/29/09 until the property is found in compliance and costs are paid.

There was no other business to discuss; therefore, Special Master Hawkins adjourned at approximately 3:50 PM.